



08/205045

DAC(m)

PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,350.00)

### Complete if Known

Application Number	Patent#: 5,682,074
Filing Date	Issued: October 28, 1997
First Named Inventor	Carlo C. DiPietro, et al.
Examiner Name	N/A
Art Unit	N/A
Attorney Docket No.	49,706 (71351)

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 04-1105 Deposit Account Name: Edwards & Angell, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)	Fee (\$)	Small Entity Fee (\$)
Each independent claim over 3 (including Reissues)	50	25
Multiple dependent claims	200	100

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 =	x	=		
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 2552 Maintenance fee due at 7.5 years 1463 Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II)	1,150.00 200.00

SUBMITTED BY		Registration No. (Attorney/Agent)	42,639	Telephone	(617) 439-4444
Name (Print/Type)	George W. Hartnell, III		Date	April 26, 2005	

#### Certificate of Express Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV492344385US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 26, 2005

Signature: Lakeisha Bryant (Lakeisha Bryant)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. **EV492344385US**, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 26, 2005

Signature:   
(Lakeisha Bryant)

APR 26 2005

O I P E  
U. S. PATENT AND TRADEMARK OFFICE  
Docket No.: 49,706 (71351)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of: Carlo C. DiPietro, et al.

Patent No.: 5,682,074

Issued: October 28, 1997

For: ELECTRIC VEHICLE MOTOR

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO REVIEW DECISION REFUSING TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE FEE FILED PRIOR TO EXPIRATION OF PATENT (37 C.F.R. § 1.377)

Dear Sir:

Pursuant to 37 CFR § 1.377, the Applicant respectfully requests review of a decision refusing to accept and record the 7-1/2-year maintenance fee for the captioned patent prior to expiration of the patent. The Director is authorized to charge the petition fee set forth in 37 CFR § 1.17(g) and the 7-1/2-year maintenance fee for a small entity pursuant to 37 CFR § 1.20(f) to Deposit Account **04-1105** and is hereby authorized to charge any additional fees that may be required and/or credit any overpayment to the same Deposit Account.

The Applicant further petitions that the petition fee set forth in 37 CFR § 1.17(g) be refunded if it is determined that the result of the earlier error is that of the United States Patent and Trademark Office (the "USPTO").

05/05/2005 DALLEN 0000007 041105 5682074

01 FC:1463 200.00 DA  
02 FC:2552 1150.00 DA

**REMARKS**

The Applicant originally rendered payment to the U.S. Patent Office in good time before the 7-1/2-year anniversary of the date of issue of the patent. Such payment was refused by the Patent Office as evidenced by a returned Treasury check in the amount of \$1215.00. See, Exhibit A. The reason for the refund was "due to the patent being expired as of 3/18/02."

Applicant submits a Decision on Petition (the "Decision") for the captioned patent mailed March 18, 2002 by Senior Petitions Examiner Bruce Hearn of the Office of Petitions and a Notice of Fee Payment accompanying the decision, providing that the 3-1/2-year Maintenance Fee Payment was accepted by the USPTO. See, Exhibit B.

As a result, the patent did not expire on 3/18/02 as alleged by the Patent Office and the reason for refusing to accept and record the 7-1/2-year Maintenance Fee was inappropriate. Accordingly, the Applicant requests that the USPTO:

- a. Correct their records to reflect that U.S. Patent Number 5,682,074 did not expire on March 18, 2002; and
- b. Accept the timely filed 7-1/2-year Maintenance Fee that is rendered herein.

Dated: April 26, 2005

Respectfully submitted,

By

George W. Hartnell, III  
Registration No.: 42,639  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 439-4444  
Attorney for Applicant

Exhibit A

## United States Treasury

15-61  
000

G 027,937,881



04 14 05 75 AUSTIN, TEXAS

2221 72624197 13100001 M2

Pay to  
the order of SATON TECHNOLOGY CORP.  
27 DRYDOCK AVE.  
BOSTON MA 02210-2377

 COPY  
Check No. 2221 72624197

2221 72624197

OCC2005127

\$\*\*\*1215\*00

VOID AFTER ONE YEAR



PER ENCLOSED MAILING NOTICE

# 2221 72624197

#000000548# 726241978# 010405

## NOTICE TO CHECK RECIPIENT

## TREASURY-FINANCIAL MANAGEMENT SERVICE TPS FORM 3090 (REV.)

VENDOR NAME:	SATON TECHNOLOGY CORP.	VENDOR I.D. NUMBER:	SATON TECHNO	
AGENCY NAME AND BILLING ADDRESS:	Department of Commerce 2011 Crystal Drive Crystal Park One Arlington VA22202	U.S. TREASURY REG. FINANCIAL CENTER:	AUSTIN, TEXAS	
CHECK NUMBER	2221-72624197	CHECK AMOUNT	\$***1215.00	CHECK DATE
				04-14-0

MAILROOM DATE: 02/18/2005  
 SERIAL NUMBER: 5682074  
 AMOUNT REFUNDED: 1215.00  
 THE ENCLOSED REFUND FOR PATENT NUMBER 5682074 IS DUE TO  
 PATENT BEING EXPIRED ASOF 3/18/02.  
 FOR QUESTIONS RELATING TO REFUND, CONTACT  
 SHANNON HARRISON - 703-308-9089

AGENCY SCHEDULE NUMBER  
OCC200512  
AGENCY TELEPHONE NUMBER  
703-305-422

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE

Electric Vehicle Motor

AT

Exhibit B



GWU/GWH  
49706 (1351)

UNITED STATES PATENT AND TRADEMARK OFFICE

file in C.F.  
**COPY**  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

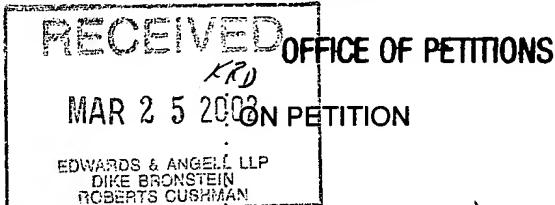
Paper No. 18

DIKE BRONSTEIN ROBERTS & CUSHMAN  
INTELLECTUAL PROPERTY GROUP  
EDWARDS & ANGELL LLP  
PO BOX 9169  
BOSTON MA 02209

In re Patent No: 5,682,074  
Issue Date: October 21, 1997  
Application No. 08/205,045  
Filed: March 2, 1994  
Patentee: Di Pietro et al.

**COPY MAILED**

MAR 18 2002



This is a decision on the petition February 5, 2002, requesting reinstatement under 37 CFR 1.378(b) or other remedies which is being treated as a petition under 37 CFR 1.377(no fee) to review the apparent refusal of the USPTO to accept and record a timely maintenance fee for the above-identified patent.

The petition is dismissed as moot.

The patent has been maintained in force. The receipt of the payment sent by first class mail with a certificate of mailing under 37 CFR 1.8 was apparently delayed due to mail problems; nevertheless when received at the USPTO it was treated under the remedial provisions of 37 CFR 1.8, and the payment accepted as timely. The payment was processed December 21, 2001, which due to the mail delay was subsequent to the mailing of the Notice of Expiration. Any inconvenience is regretted. Enclosed for petitioner's convenience is a copy of the Maintenance Fee Statement showing the 3 1/2 year payment was accepted by the USPTO as timely and the patent maintained in force.

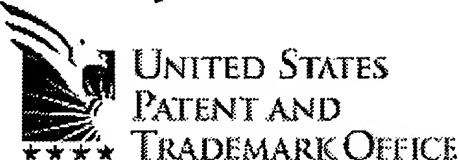
The \$1205 fees proffered with the petition have been credited to deposit account No. 04-1105 as authorized.

This file is being returned to the Files Repository.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-1820.

*Brian Hearn*  
Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Assistant Commissioner  
for Patent Examination Policy

Enclosure: Notice of Fee Payment



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## Maintenance Fee Statement

5682074

The data shown below is from the records of the Patent and Trademark Office. If the maintenance fees and any necessary surcharges have been timely paid for the patents listed below, the notation "PAID" will appear in column 11, "STAT" below.

If a maintenance fee payment is defective, the reason is indicated by code in column 11, "STAT" below. TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.377. THE PAYMENT ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(k) and (l).

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number.  
THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION

ITEM NBR	PATENT NUMBER	FEE CDE	FEE AMT	SUR CHARGE	SERIAL NUMBER	PATENT DATE	FILE DATE	PAY YR	SML ENT	STAT
1	5,682,074	283	440		08/205,045	10/28/97	03/02/94	04	YES	PAID
		286		065						PAID

ITEM NBR	ATTY NUMBER	DKT NUMBER

1

58301

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